# **EXHIBIT A**

### **INVESTOR FDA PLAN OF ALLOCATION**

The purpose of this Fund Distribution Account Plan of Allocation ("FDA POA") is to establish a reasonable, fair and equitable method of allocating and distributing the money remaining in the Fund Distribution Account ("FDA").

In brief, the FDA will be divided *pro rata* among investors who lost money on a net basis (*i.e.*, "net losers") by investing with Tremont. All "net losers" will receive a percentage of the FDA distribution in proportion to their percentage of all such investment losses.

Under this equitable FDA POA, <u>all net loser investors in Eligible Hedge</u>
<u>Funds will be treated identically</u> and all will share <u>equally</u> in recovering their investment in proportion to their net loss. Consistent with the goals of the class action settlement, investors equally mistreated <u>by the Tremont Defendants</u> will be compensated equally, in direct proportion to their loss.

## A. <u>Principles and Definitions</u>

- 1. "Contribution" is the amount paid on or before December 11, 2008 by a Fund Distribution Claimant to an Eligible Hedge Fund for an Eligible Security.
- 2. "Court" means the United States District Court for the Southern District of New York.
- 3. "Cross Investments" means any prior investment by any Eligible Hedge Fund in another Eligible Hedge Fund. All Cross Investments are preserved in the sense that the net amount of each such Cross Investment will form the basis of an allocation of FDA Funds for the benefit of Fund Distribution Claimants previously invested in Eligible Hedge Funds that held such Cross Investments. Allocation of Cross Investments will be made on a net basis.
- 4. "Disbursement" is the amount to be paid to a Fund Distribution Claimant from the FDA.
- 5. "Eligible Hedge Funds" are:
  - Rye Select Broad Market Fund, L.P. ("Rye Onshore");
  - Rye Select Broad Market XL Fund, L.P. ("XL");
  - Rye Select Broad Market Prime Fund, L.P. ("Prime");

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- Rye Select Broad Market Insurance Fund, L.P. ("Rye Insurance");
- Rye Select Broad Market Insurance Portfolio, LDC (but only with respect to INTAC Independent Technical Analysis Centre Ltd., LifeInvest Opportunity Fund, LDC, Scottish Annuity Company (Cayman) Limited, The Scottish Annuity and Life Insurance Company (Bermuda) Ltd. and The Scottish Annuity Life Insurance Co. (Cayman) Ltd.);
- Rye Select Broad Market Portfolio Limited ("Rye Offshore");
- Rye Select Broad Market XL Portfolio Limited;
- Broad Market XL Holdings Limited;
- Tremont Market Neutral Fund L.P.;
- Tremont Market Neutral Fund II, L.P.;
- Tremont Market Neutral Fund Limited;
- Tremont Opportunity Fund Limited;
- Tremont Opportunity Fund II L.P.;
- Tremont Opportunity Fund III L.P.;
- Tremont Arbitrage Fund, L.P.;
- Tremont Arbitrage Fund-Ireland; and
- Tremont Strategic Insurance Fund, L.P.
- 6. "Eligible Securities" means the limited partnership interests or shares purchased by Fund Distribution Claimants in Eligible Hedge Funds on or before December 11, 2008.
- 7. "Fund Distribution Account" or "FDA" refers to those certain funds held *in custodial legis* for the benefit of Fund Distribution Claimants.
- 8. "Fund Distribution Claimant" means any limited partner or shareholder invested in Eligible Securities of any Eligible Hedge Fund as of December 11, 2008 who is entitled under this FDA POA to share in the disbursement of the FDA. Only those Fund Distribution Claimants who suffered anet loss on their investments in Eligible Securities are entitled to a payment from the Fund Distribution Account. Only Fund Distribution Claimants who were limited partners or shareholders as of December 11, 2008 may be entitled to a Disbursement from the Fund Distribution Account.
- 9. "Net Investment" is the difference between Contributions and Redemptions for each Fund Distribution Claimant.
- 10. "Redemption" is the amount withdrawn on or before December 11, 2008 by a Fund Distribution Claimant from an Eligible Hedge Fund based on ownership of an Eligible Security.

## B. <u>Disbursements from the Fund Distribution Account</u>

The Claims Administrator will determine each Fund Distribution Claimant's pro rata share of the Fund Distribution Account by:

- 1. determining the total Net Investments of all Fund Distribution Claimants:
- 2. determining each Fund Distribution Claimant's percentage of the total Net Investments (or "Pro Rata Share"); and
- 3. making Disbursements directly to Fund Distribution Claimants in proportion to their Pro Rata Share.

No Fund Distribution Claimant will receive more than its Net Investment.

If there is any balance remaining in the Fund Distribution Account (whether by reason of unclaimed funds, tax refunds, uncashed checks, or otherwise), at a date one hundred eighty (180) days from the later of (a) the date on which the Court enters an order directing the Fund Distribution Account to be disbursed to Fund Distribution Claimants, or (b) the date the Settlement is final and becomes fully effective, then Plaintiffs' Settlement Counsel shall, upon approval of the Court, disburse such balance among Fund Distribution Claimants as many times as is necessary, in a manner consistent with this Plan of Allocation, until each Fund Distribution Claimant has received its Recognized Claim (but no greater than its Recognized Claim) as defined in this Plan.